

BEFORE THE DIRECTOR OF
THE UNITED STATES PATENT AND TRADEMARK OFFICE

Rossin et al.)	
)	
v.)	Decision on Petition
)	Under 37 C.F.R. § 1.304(a)(3)(i)
Kanno et al.)	
)	
Interference No. 105,402)	
_____)	

MEMORANDUM AND ORDER

On July 3, 2007, Junior party to Interference No. 105,402, Rossin et al. (Rossin), filed a paper styled "Extension of Time for Appeal" before the Board of Patent Appeals and Interferences (Board). Rossin requests an extension of time for filing an appeal or commencing a civil action under 35 U.S.C. § 141 or § 146. The request is being treated as a petition under 37 C.F.R. § 1.304(a)(3)(i).¹

The petition is granted.

On May 8, 2007, the Board issued an order denying rehearing. The time for filing an appeal or commencing a civil action is two months from the date of the Board's decision. 37 C.F.R. § 1.304(a). Thus, the time for filing an appeal would expire on July 9, 2007. The Director may extend the time "[f]or good cause shown if requested in writing before the expiration of the period for filing an appeal or commencing a civil action." 37 C.F.R. § 1.304(a)(3)(i). Rossin requests that the time be extended from July 9, 2007, to July 20, 2007.

¹ Decisions on petitions for extensions of time in court matters are delegated to the Solicitor.

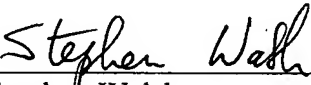
Rossin states that the parties are engaged in on-going settlement discussions, and that it is believed agreement is near. Rossin states that counsel for Senior party Kanno indicated the Senior party is not opposed to an extension of time. These facts are sufficient to show good cause to grant the requested extension of time.

ORDER

Upon consideration of the petition for an extension of time under 37 C.F.R.

§ 1.304(a)(3)(i), it is ORDERED that the petition is granted.

The time for filing an appeal or commencing civil action is extended from July 9, 2007 to July 20, 2007.



Stephen Walsh
Acting Solicitor

JUL 5 2007

Attorney for ROSSIN ET AL.

Bruce W. Slayden II
Baker Botts, L.L.P.
1500 San Jacinto Center
98 San Jacinto Blvd.
Austin, Texas 78701

Attorney for KANNO ET AL.

James F. McKeown
Crowell & Moring LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004